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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MIND MEDICINE (MINDMED) INC., a
British Columbia Corporation,

Plaintiff,

v.

SCOTT FREEMAN, an individual, and FCM
MM HOLDINGS, LLC, a Wyoming Limited
Liability Company,

Defendants.

Case No.: 2:23-cv-01354-MMD-EJY

**DEFENDANT FCM MM HOLDINGS,
LLC'S JOINDER TO SCOTT
FREEMAN'S ANTI-SLAPP SPECIAL
MOTION TO DISMISS (ECF NO. 75)**

Defendant FCM MM Holdings, LLC ("FCM" or "Defendant"), by and through its attorneys, Holland & Hart LLP, respectfully joins in Defendant Scott Freeman's Anti-SLAPP Special Motion to Dismiss (ECF No. 75). On September 6, 2023, FCM filed its own Motion to Dismiss on grounds of lack of personal jurisdiction pursuant to Fed. R. Civ. P. 12(b)(2), failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6), and pursuant to Nevada's anti-SLAPP statutes NRS 41.660. *See* ECF No. 13. Dr. Freeman's Anti-SLAPP Special Motion to Dismiss presents additional grounds upon which Plaintiff's claims should be dismissed under Nevada's anti-SLAPP statutes, including that (1) the Separation Agreement is unenforceable for lack of consideration and fraudulent inducement (ECF No. 75, at 35-36); (2) there was no breach of the Separation Agreement (*id.* at 36-40); (3) MindMed first breached the Separation Agreement, thereby discharging Dr. Freeman's duty to perform (*id.* at 41-42); and (4) MindMed suffered no damages and is barred by the doctrine of laches (*id.* at 42-45). Because these arguments also support

1 dismissal of the claims as to FCM, FCM hereby joins in all of the legal arguments set forth in
2 Dr. Freeman's Anti-SLAPP Special Motion to Dismiss and requests that the same be granted.

3 DATED this 3rd day of November 2023.

4 **HOLLAND & HART LLP**

5 /s/ Robert J. Cassity

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10 *Attorneys for FCM MM Holdings, LLC*

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CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of November, 2023, a true and correct copy of the foregoing **DEFENDANT FCM MM HOLDINGS, LLC'S JOINDER TO SCOTT FREEMAN'S ANTI-SLAPP SPECIAL MOTION TO DISMISS (ECF NO. 75)** was served by the following method(s):

- ☒ Electronic: by submitting electronically for filing and/or service with the United States District Court, District of Nevada's e-filing system and served on counsel electronically in accordance with the E-service list to the following email addresses:

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